

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARLIN E. JONES,

Plaintiff,

V.

**CITY OF NORTH PLATTE, MARTIN
GUTSCHENRITTER, Chief of Police,
KENDALL ALLISON, Police Officer,
and JEANNE HINRICH,**

Defendants.

CASE NO. 8:10CV6

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On May 12, 2010, the court dismissed Plaintiff's claims and entered judgment in favor of Defendants. (Filing Nos. [13](#) and [14](#).) On May 19, 2010, Plaintiff filed a Notice of Appeal of the court's Judgment. (Filing No. [15](#).) However, when he filed the Notice of Appeal, Plaintiff did not submit the appellate filing fee of \$455.00, nor did he submit a motion to proceed in forma pauperis ("IFP"). (Filing No. [16](#).) Plaintiff is not a prisoner and has previously been granted leave to proceed IFP. (Filing No. [6](#).)

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court – before or after the notice of appeal is filed– certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The court finds that Plaintiff's appeal is taken in good faith. Although Plaintiff did not submit a motion for leave to proceed IFP on appeal, because Plaintiff proceeded IFP

in the district court, he may now “proceed on appeal in forma pauperis without further authorization.”

IT IS THEREFORE ORDERED that:

1. Plaintiff is permitted to proceed in forma pauperis on appeal; and
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 1st day of June, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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